

**WOODS CROSS CITY COUNCIL MEETING
DECEMBER 1, 2015**

The minutes of the Woods Cross City Council meeting held December 1, 2015 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Mayor Rick Earnshaw

COUNCIL MEMBERS PRESENT:

Rick Earnshaw, Mayor
Tamra Dayley
Jill Evans

David C. Hill
James Sheldon
Ryan Westergard

STAFF PRESENT:

Gary Uresk, City Administrator
Jessica Sims, City Recorder
Tim Stephens, Community Development Director
Scott Anderson, Public Works Director

VISITORS:

Brent Christensen
Tymakoa Crockett
Douglas Peterson
Don Schrader
Craig Burrows
Scott Myers

Rachael Bodell
Devin Page
Michael Riggs
Jessica Gertsch
Jake Millburn
Scott Smith

George Peterson
William Anderson
Lois Schrader
Gregg Dayley
Sharm Smoot

INVOCATION:

James Sheldon

PLEDGE OF ALLEGIANCE:

Scouter Devin Page

APPROVAL OF MINUTES

The Council reviewed the minutes of the City Council meeting held November 17, 2015. After their review, Council Member Evans made a motion to approve the minutes as written with Council Member Sheldon seconding the motion and all voted for the motion through a roll call vote.

APPROVAL OF CASH DISBURSEMENTS

The City Recorder then went over the financial report for November 14th- 25th, 2015. After the review by the City Administrator, Council Member Hill made a motion to approve the cash disbursements as presented with Council Member Dayley seconding the motion and all voted for the motion through a roll call vote.

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OPEN SESSION (BRIEF ITEMS)

The Mayor then opened the meeting to items from those present that they would like to bring before the City Council. This would be items that would take less than two or three minutes.

Mr. Scott Anderson, the Public Works Director, told the City Council he and the City Administrator were invited to attend a banquet where JUB Engineering had submitted to the Association of Civil Engineers Council for an award and were able to receive the award for the excellent job that was done constructing the water treatment filtering plant for the city. The Council congratulated them on a job well done.

Council Member Evans then asked the Mayor who would be replacing her at the Mosquito Abatement District meetings. She said the district would like to have her bring the new representative with her to the next meeting. The Mayor said he would let her know before the next meeting.

COMMUNITY OF PROMISE REPORT

The Mayor gave the floor to Ms. Rachael Bodell who reported on the activities of the Community of Promise Committee as follows:

CERT: “December 8th will be the next CERT class. Instruction will be given on how to make a Grab and Go Kit. This meeting will start at 7:00 P.M. and there will be new classes offered in January.

ARTS IN THE PARK: “Last night was the 2nd annual Christmas lighting at city hall. That event finished up the very busy year of events for them. They will be meeting in January to get started on the planning for next year.

SENIORS: “The Seniors will be having their December party on December 10th. In January a representative from the Davis County Recreation Center will be discussing the “Silver Sneakers” fitness program with them.”

She also noted the Community of Promise Committee would not be meeting in December and would resume their meetings in January.

YOUTH CITY COUNCIL REPORT

There was no one present at tonight’s meeting to report on the Youth City Council activities.

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**PUBLIC HEARING: PROPOSED AMENDMENTS TO ZONING ORDINANCE
CHAPTERS 4, 9, 12, AND 21 REGARDING DEVELOPMENT AGREEMENTS, MULTI
LOT DEVELOPMENTS, PARKING LOT STANDARDS, AND APPEALS PROCESS**

The Mayor gave the floor to Mr. Tim Stephens, the Community Development Director who reviewed the following information with the City Council:

“As you are aware, the city staff and City Council have been working this past year on the K-mart redevelopment project. To make this project a reality, the City Council has created a CDA area. In addition, it will be necessary to make some adjustments to the city zoning ordinance to accommodate this project. There are several amendments given to the Council for review. The first deals with the approval of multi-lot, master planned, commercial developments. This amendment would permit the Planning Commission and Council to consider multi-lot subdivisions for a commercial project or shopping center where the project as a whole meets the standards of the zone, but there may be parts of the subdivision or commercial development that do not meet the specific lot frontage, coverage, signage, or other details. In the case of the new Smith’s shopping center plat, in addition to the Woods Cross shopping center amendment plat, this amendment would allow the city to consider lots that do not have frontage on the street but will be provided access through the overall shopping center or commercial development. As you review the amendment, you will see that they will also need to execute and record cross-access parking easements and agreements to guarantee perpetual, project-wide compliance with the purposes and requirements of the C-2 zone.

"Also, it is proposed that the supplementary regulations in Chapter 21 be amended to add and clarify that the City can enter into development agreements to accomplish the purposes of the land use ordinance. State code permits the use of development agreements; however, the city attorney believes it is important to state that fact in our zoning ordinance.

“In addition, the staff is recommending that the R-4 Zone be amended to permit the Planning Commission to consider carport structures and their location within the R-4 Multi-family Zone. Specifically, the Hills at Renaissance received a Planning Commission approval this past year to develop a parking lot across the street from the apartment complex to alleviate parking problems for the project. The parking lot is just about complete; however, Jed Millburn would also like to cover those stalls with carports similar to the existing project across the street. To accommodate this and make the Hills at Renaissance a better project, it is proposed that the R-4 Zone be amended to add language that would permit the Planning Commission to consider modifications to provide adequate parking including the construction of carport structures and to ensure that the setbacks and sightlines will provide for safe and efficient movement of traffic.

“The last amendment deals with the appeals process for land use decisions within the zoning ordinance. Even though a public hearing notice has been published which included this amendment, the staff would recommend that this amendment be tabled due to the fact that the staff and city attorney need more time to formulate and review this amendment. We would plan

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on having a public hearing and Planning Commission review of this particular amendment at the first of the year.”

“The Planning Commission would recommend that the appeals process amendment be tabled. Furthermore, the Planning Commission recommends that the other amendments be approved.”

The Council asked a few questions regarding setbacks and Mr. Stephens answered the questions.

Mr. Jed Millburn from the Hills at Renaissance project was at tonight’s meeting to answer any questions from the City Council. The Council asked how soon the project would be started and Mr. Millburn said as soon as possible. The Council said they thought the project looked very good and the covered parking would be a nice addition to the project.

The Mayor then opened the public hearing regarding this matter. There were no questions from the public present and the Mayor closed the public hearing.

CONSIDERATION TO ADOPT AN ORDINANCE AMENDING CHAPTERS 9, 12 AND 21 OF THE WOODS CROSS CITY ZONING ORDINANCE

Following the information given by the Community Development, Council Member Hill made a motion to adopt Ordinance 568, an ordinance amending chapters 9, 12 and 21 of the Woods Cross Zoning Ordinance. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE THE WOODS CROSS SHOPPING CENTER FIRST AMENDED FINAL PLAT LOCATED AT 553 WEST 750 SOUTH

The Community Development Director then reviewed the following with the City Council:

“Some years ago, the City approved the Woods Cross Shopping Center which, at the time, was anchored by the Office Max store. The property was under one ownership. A few years later, the owner of the shopping center divided it into three lots in different ownership. Recently, Craig Burrows, who owns lot 2 of the shopping center has requested to further subdivide that lot into four smaller lots for each of the four existing buildings. You will note that some of the proposed lots will no longer have frontage on the public street. A similar issue is faced with the development of the new Smith’s Shopping Center. Again, the amendments, as noted earlier on the agenda pertaining to modifications to multi-lot commercial developments, will also apply to this plat when the City Council reviews it for approval. As you know, looking through that amendment, it needs to be demonstrated, which in this case it has been for years, that the project as a whole meets the standard of the C-2 Zone in terms of parking, access, and other issues. In addition, the applicant is preparing additional CC&R’s that will be recorded to guarantee perpetual project-wide compliance with the C-2 Zone standards specific to cross-parking and access to guarantee that the project overall will continue to function as an integrated shopping center with access to public streets for all buildings and properties within the commercial project.

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“The Planning Commission has held a public hearing on this matter and has recommended to the City Council approval of the Woods Cross Shopping Center Subdivision First Amended Plat with the condition that the applicant prepare CC&R’s or another instrument, which is approved by the City Attorney, to guarantee cross-access and cross-parking throughout the entire shopping center.

Mr. Stephens also noted the following information from the City Attorney for City Council:

“The purpose of this Memorandum is to summarize a proposed amended plat for the Woods Cross Shopping Center that will subdivide one of the lots in the development. The proposal relates to and is governed by the text amendments to the C-2 Zone that are before the Council this evening. My comments below assume that the proposed changes to the C-2 Zone text have been approved with the conditions outlined below.

“My recommendation is that the City gives its conditional approval of the plat. The conditions would consist of the following: (1) that the Mayor be authorized to sign the plat only upon approval of the City Attorney; and (2) that the City Attorney review the plat and related documents to ensure that those documents meet the requirements of the City’s ordinance.”

“Presently, there are 3 lots within the development. Mr. Burrows, the owner of the largest parcel proposes to subdivide that parcel into 4 individual lots. The city’s approval is conditioned upon requirements that the development: (1) provide the public and all patrons of the commercial development free access to, and parking within, all designated areas of the development; (2) provide for maintenance of common areas (driveways, walkways and parking); (3) that health safety and welfare concerns are met.

“I have also received a document from the owner’s attorneys that would make amendments to the development’s Declaration of Easements, Covenants and Restrictions. The amendments will provide easements for cross-access, parking and storm water flow within the development, and will also address maintenance concerns. I have some suggested revisions to the proposed amendment; based on conversations with the owner’s legal counsel, I am confident we will reach an understating within the next day or two.”

“In light of the foregoing, I recommend that the Council give the City’s conditional approval to the plat as outlined above.”

After review and discussion by the City Council, Council Member Evans made a motion to approve the Woods Cross Shopping Center First Amended Plat located at 553 West 750 South with the conditions as noted by the City Attorney in his memorandum. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

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**CONSIDERATION TO APPROVE THE SKYPARK INDUSTRIAL PARK LOT 62
CONDOMINIUM FINAL PLAT A PROPOSED 4-UNIT AIRCRAFT HANGER
CONDOMINIUM SUBDIVISION LOCATED AT 2003 SOUTH 1640 WEST**

Mr. Stephens then reviewed this item with the Council as outlined below:

“The Planning Commission recently approved a site plan and conditional use for a building housing four hangar units within the Skypark Industrial Park. The applicant for the hangar project is also proposing a plat to divide the four units into individual ownership. As such, given to the Council is a condominium plat. Over the years, the city has approved several condominium plats for individual hangar ownership within the aircraft hangars at Skypark.

“The staff, including the city engineer, have reviewed the plat and found it in order. In addition, the Planning Commission has held a public hearing on this matter and has recommended to the City Council that the Skypark Industrial Park Lot 62 Condominium Plat be approved.”

After the Council reviewed this item the floor was given to Council Member Westergard who made a motion to approve the Skypark Industrial Park Lot 62 Condominium Final Plat. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT AN ORDINANCE IMPOSING A .10% LOCAL SALES
AND USE TAX ON QUALIFY TAXABLE TRANSACTIONS WITHIN WOODS CROSS
CITY TO FUND RECREATIONAL AND CULTURAL FACILITIES AND
ORGANIZATIONS (“RAP TAX”)**

The City Administrator went over the following information with the City Council:

“Given to the Council is a proposed ordinance in which the Council imposes the RAP Tax after it was approved by the residents in the recently held municipal election. This ordinance will then be forwarded to the Tax Commission in which they will impose the tax for another 10 years.”

After the review, Council Member Hill made a motion to adopt Ordinance 569, an ordinance imposing a .10% local sales and use tax on qualify taxable transactions within Woods Cross City to fund recreational and cultural facilities and organizations. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT A RESOLUTION APPOINTING RICK EARNSHAW
TO SERVE ON THE SOUTH DAVIS RECREATION DISTRICT ADMINISTRATIVE
CONTROL BOARD**

The following information was reviewed by the City Council:

“The Mayor’s term on the Board is up at the end of this year and he needs to be reappointed for another term. The appoint term will be from January 1, 2016 to December 31, 2019.”

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Council Member Hill then made a motion adopt Resolution 2015-604, a resolution to appoint Rick Earnshaw to serve on the South Davis Recreation District Administrative Control Board as long as he is an elected official. Council Member Sheldon seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO APPROVE EXPENDITURE OF RAP TAX FUNDS FOR
HOGAN PARK PICKLE BALL COURTS AND PLAYGROUND EQUIPMENT FOR
CLOVERDELL AND FARM MEADOWS PARKS**

The Mayor gave the floor to the Public Works Director who outlined the following for the City Council:

“We have two parks, Cloverdell and Farm Meadows, that need the playground equipment replaced and we would like to replace them this year with RAP Tax funds. We would also like to replace the tennis courts at Hogan Park with either a combination pickle ball/tennis court or just pickle ball courts. The cost of replacing the playground equipment for the two parks and installing the new pickle ball courts would be just a little less than \$300,000. Currently the fund balance in the RAP Tax fund is \$135,000. I project that we will collect at least an additional \$176,000 in RAP Tax funds through the balance of the year, giving us about \$311,000 to utilize for these projects. Given to the Council are the memos detailing the playground equipment and the pickle ball courts. “

The Public Works Director then outlined the following regarding the costs of replacing the playground equipment:

“We propose that the playgrounds at Farm Meadows & Cloverdell Parks be replaced. These playgrounds are 16 years old and nearing the time when replacement parts are not available. Both these systems have components that have safety concerns.

“Given to the Council are the playgrounds proposal for replacement.

Clover Dell Total Cost \$54,908.73
Savings of \$19, 149.50 from the grant at Game Time Recreation

Farm Meadows Total Cost \$50,747.92
Savings of \$18,907.59 from the grant at Game Time Recreation

“You will see we have only 1 company that supplied pricing. Great Western Park and Playground with Game Time Recreation has a grant being offered for reduced pricing on stock playground. No other playground representative or manufacture has offered this grant this year.”

The Public Works Director continued with his presentation then discussing the following with the City Council:

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“Given to the Council are two concepts to replace the tennis courts in Hogan Park.

“The first concept is 1 tennis court and 3 pickle ball courts. This configuration would expand one pickle ball into the open space between the existing courts and the parking lot. The existing lights would need to be replaced.

Thoughts: This provides 2 sports opportunities at the park
2-4 players Tennis
6-12 pickle ball
We have two existing tennis courts with limited use in Mills Park

“The second concept is six pickle ball courts. This configuration would be basically within the same footprint as the existing tennis courts. The existing lighting system and poles should be able to be used with limited addition.

Thoughts: No tennis opportunity at this area
12-24 players at a time could utilize pickle ball. I have been told often the play as a club.

The cost for these 2 concepts is:

1 st concept:	1 tennis & 3 pickle ball courts	
	Courts demolition and construction	\$152,186
	Pricing on new lighting	Estimated \$35,000
2 nd concept	6 pickle ball courts	
	Courts demolition and construction	Estimate \$125,000
	Possible no lighting necessary	

Council Member Hill asked if the pocket parks within the city were being utilized. The Public Works Director said they were being used and Council Member Westergard said the one near his home is used often.

Council Member Dayley also asked if the dark colors presented were the colors that would be chosen and used in the new park. She noted that dark colors could be a hazard when they become hot. The Public Works Director said they would be able to choose the colors they would like so the equipment would be safe in the hotter temperatures.

They asked if the ground cover needed to be replaced and it was noted it would be looked at and determined whether it needed to be replaced but he did say it probably would need to be replaced.

Council Member Westergard made a motion to approve the expenditure RAP TAX funds for the playground equipment at Cloverdell Park and Farm Meadows Park. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

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The Council said they felt just pickle ball courts at Hogan Park would be the way to go as it has caught on and seems to be very popular. The Council said they felt they would like to see all pickle ball courts and no tennis courts at this time. The Council said they would like the Public Works Director to get some formal bids for the construction of the pickle ball courts and bring those bids back to the Council for further review.

OPEN SESSION

The Mayor then opened the meeting to items from those present that they would like to bring before the City Council.

Mr. Sharm Smoot of Smoot Development appeared before the Commission and presented a concept plan to the City Council for the Olde Towne Center mixed use project with some commercial and some residential. He prepared some pictures for the Council to review with the proposed concept. He said there was a time table he was working on and would be working with Stock and Lock, another business in the area, as partners for the proposed project so he would like the opinion of the Council so he could proceed with the plans. They were hoping to partner and make a nice project to enhance the downtown area of Woods Cross City.

After the Council reviewed the proposed project, they all felt positive with the overall concept and suggested Mr. Smoot proceed with the process and work through the details.

Mr. Don Schroeder then asked how the RAP Tax in Woods Cross City compared to the other surrounding cities. It was noted the percentages for the RAP Tax for Woods Cross City was the same as other surrounding cities.

Council Westergard then noted RB's has a new LED sign that is very distracting at night and needs to be addressed. He also said he had a resident mention the lights at the tennis courts at Mills Park shut off at 9:30 P.M. but the volleyball court lights stay on until 11:00 P.M. The resident would like the lights kept on as late as the volleyball courts. The Staff said they would look into the timers set at the parks for the lighting to see what times they are set. He also noted that 2600 South has a business sign out advertising outside storage and wondered if they had grandfathered outside storage. The Community Development Director said the business in question was grandfathered in for a storage yard.

Council Member Hill expressed his thanks to the city staff for taking care of some of the eyesores that have been a problem for quite some time within the city.

PLANNING COMMISSION REPORT

Council Member Sheldon then reported on the Planning Commission meeting held November 10, 2015. Please see the minutes of that meeting for the details of his report.

SOUTH DAVIS SEWER DISTRICT REPORT

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Council Member Westergard reported to the Council on the activities of the South Davis Sewer District. He noted they are still talking about the resource recovery project for waste to energy. He also said they will have a meeting this month for further discussion regarding the project. He also said they are looking into legislative changes to make it possible to participate in the project.

MAYOR'S REPORT

The Mayor said the previous nights Christmas activity was incredible and thanked the staff and especially the public works department and all others who helped with the activity.

The Mayor also noted there are some of the homes in Farm Meadow settling quite badly. The Council discussed what the causes could be and what some of the solutions might be.

The City Administrator said that it is most likely subsidence which is the water table lowering and ground shifting and he would be meeting with a home owner Friday to see if they could figure out what is happening. The City Administrator said he would keep the City Council informed of the situation.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported on the following:

1. Smith's Project

"The project is still slowly moving along. They submitted a plat for approval and we are currently reviewing it for approval. Thackeray was able to give the banks the needed assurances regarding the project without having the plat approved. We are going to need some time to review the plat because of its complexity. They want to start construction on the project toward the end of February. We will be outlining to them what they will need to get submitted to us in a timely manner so we can have the necessary time to review their submittals to meet their time schedule."

Council Member Dayley said there are problems concerning the new configuration of the 500 South exit diamonds and how they are causing problems for the big trucks trying to turn the corner and that ultimately block traffic. Council Member Hill also expressed frustration with the trucks blocking traffic and said it has become a big problem. The Council and Staff discussed the problem and the City Administrator said he would look into the issue.

It was noted the City's appreciation dinner is scheduled for Friday, January 15, 2015.

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ADJOURNMENT

There being no further business before the City Council, Council Member Hill made a motion to adjourn the meeting at 8:21 P.M. with Council Member Sheldon seconded the motion and all voted for the motion through a roll call vote.

Rick Earnshaw, Mayor

Jessica Sims, City Recorder